

REMARKS

Claims 1-15 are currently pending; claims 16-22 have been withdrawn. No claims have been allowed. Claims 1-15 have been canceled and new claim 23 has been added.

Claims 1-15 stand rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement.

In order to assist in more precisely delineating the metes and bounds of what Applicants consider to be the invention, a Declaration under 35 CFR 1.132, executed on November 20, 2009 by James Balkovec is submitted herewith. Said Declaration elucidates the link between 11 β -HSD-1 and conditions such as metabolic syndrome, as it was known in the art at the time of filing.

The Declaration further supplies potency data for representative compounds of Claim 14. As presented in the instant case, the SPA provided data indicating that the claimed compounds perform in the assay at physiological levels.

Based on the foregoing, Applicants assert the claims are enabled and in condition for allowance. If a telephonic communication will advance the prosecution of the instant application, please telephone Applicants' representative indicated below. Applicants believe no additional fees are due, but the Commissioner is authorized to charge any fees required in connection with this amendment to Merck Deposit Account No. 13-2755.

Respectfully submitted,

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